



1fw  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/748,670

Confirmation No.: 2778

In re Application of:

Lionel POINCENOT et al.

Group Art Unit: 3711

Filed: December 31, 2003

Examiner: Stephen Luther Blau

For: IRON-TYPE GOLF CLUB HEAD WITH SOLE  
HAVING STABLE STATIC ADDRESS POSITION

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed November 19, 2004, applicants hereby provisionally elect, with traverse, Species 2 (Fig. 7, SCP, SCA non-planar) for initial examination in this application. Claims 1-3 and 5 read on the elected species and no claims are generic to all species outlined in the Office Action.

The Election of Species Requirement stated in the Office Action on November 19, 2004 is traversed for the following reasons. Species LPA and SCA, corresponding to Figs. 6 and 7, respectively, are related, not independent and mutually exclusive, because they

Serial No.: 10/748,670

comprise two different sub-combinations usable with each other in a single combination. See MPEP 806.04(b) and 806.05(d). The Office Action does not demonstrate that the claimed sub-combinations are distinct from each other, as MPEP 806.05(d) requires as a basis for such a requirement. The Office Action fails to demonstrate any (a) separate classification of the alleged species; (b) separate status in the art when the species are classifiable together; or (c) different field of search for those species, let alone any serious burden in conducting a search encompassing the alleged species. All of species 1-4 are sufficiently related that a thorough and complete search for any one of those species should encompass a thorough and complete search for all species.

Search and examination of the entire application can be made without serious burden. See MPEP §803 which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." This policy should apply in the present application to avoid unnecessary delay and expense to applicants and unnecessary duplicative examination by the USPTO.

Serial No.: 10/748,670

For the foregoing reasons, reconsideration and withdrawal of the election requirement and examination of all species herein are respectfully requested.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

December 17, 2004  
Date



Roger W. Parkhurst  
Registration No. 25,177

RWP/mhs

Attorney Docket No.: CLEV:628

PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, Virginia 22314-2805  
Telephone: (703) 739-0220

PLEASE ACCEPT THIS AS  
AUTHORIZATION TO DEBIT  
OR CREDIT FEES TO  
DEP. ACCT. 16-0331  
PARKHURST & WENDEL